

REPORT ON NATIVE PAPERS

FOR

The Week ending the 7th October 1876.

THE *Education Gazette*, of the 22nd September, writes the following in an article on "Judicial Reform":—It is admitted, by almost everybody, that miscarriage of justice not unfrequently occurs both in the High Court and in the mofussil. Many proposals have therefore been made for effecting a reform in judicial procedure; but there is yet no indication to show that any of them will be carried out in practice.

EDUCATION GAZETTE,
September 22nd, 1876.

We have already expressed our opinion on the propositions of Sir Richard Garth and the Lieutenant-Governor, in connection with this subject. It is not likely that appellate benches will be established in the mofussil, unless there be first an improvement in the value of silver and the condition of the finances. We should therefore consider what means might be used to ensure a sound administration of justice, without, at the same time, entailing any considerable expenditure. Under the rules now in force in the High Court, whenever there is a difference of opinion between the two Judges who generally try a case, that of the Senior Judge is allowed to prevail. This arrangement, though it may be gratifying to the successful suitor, does not satisfy the public; a third Judge should in such cases be invited to sit with the other two. This, indeed, is sometimes done in the High Court; but unless it is made a rule, the public will not be satisfied. It is well known that the accused, when an European, is tried by an European jury. In spite of ample evidence against him, Macgarth was acquitted by such a jury in the Allahabad High Court; and not only Mr. Macgarth, but many other Europeans too, though guilty of serious crimes, have been let off through the partiality of European jurors. While characterizing a European jury as partial, we do not mean to say that a native jury is impartial. These have occasionally acquitted murderers, simply because they happened to be Brahmins, and the murdered unchaste females. The law, therefore, provides for a reference to the High Court in the event of a difference of opinion between the judge and the jury. But this can only apply to the mofussil. In our opinion the same provision should be made applicable to the High Court.

Government is at present anxious to improve the tone of the appellate courts in the mofussil, which are becoming gradually worse. Joint-Magistrates, and even Assistant Magistrates, totally ignorant of the civil law and the vernaculars, are now appointed as Judges to hear civil appeals, where formerly competent and experienced District Magistrates only were appointed to this work. A civil judge should be required to pass examinations in civil law.

Almost everybody will admit that the system of summary trials results in fearful injustice in some instances. We do not say that the system

is altogether bad, for in some cases it might prove very advantageous; but considering that India is a conquered country, summary trials have a tendency to become productive of injustice. The system, indeed, is in force in Calcutta, where, up to a certain limit, the Magistrates exercise summary powers; but the force of public opinion and the newspaper press is there so great that they are not able to commit any oppressions. The contrary is the case in the mofussil, where there are almost no newspapers and no public opinion. The power of summary trials should not therefore be given to any officer in the mofussil. The charge of sub-divisions should not be conferred, as now, on raw Assistant Magistrates of two or three years' standing. A service of at least five or six years should be exacted from them before they are eligible for it.

HINDU HITOISHINI.
September 23rd, 1876.

2. In the course of a very long article, the *Hindu Hitoishini*, of the 23rd September, writes thus: The Lieutenant-Governor has recently expressed his regret that the natives of this country are not forward to learn self-Government; but this is, no doubt, the fault of the English officials, who exercise their power over the natives most unjustly. In every committee, whether it be municipal, road cess, or educational, the English members engross all the power, while the natives have no influence. They are merely nominal Commissioners; and as not a single opinion of theirs is regarded, they do not venture to express their views on any subject in the committee hall. Lately, the case of Babu Lál Chánd Choudhurí has caused many to have recourse to silence, and not to give utterance to any thing, which is in opposition to the views of the presiding member, who is invariably an English official. But it is not at all desirable that the Native Commissioners should conceal their opinions in order to please an individual. They should rather consent to endure insult and oppression, like Babu Lál Chánd, than betray the trust committed to them by the public. We cannot expect that the country will make any progress, until they are free to express their opinions without fear or favor; and if everybody were bold publicly to declare his independent views, the English members would, no doubt, succumb to the Native Commissioners.

HINDU HITOISHINI.

3. The same paper writes that, owing to the indifference which the Lieutenant-Governor has already shown, in awarding condign punishment to Mr. Kirkwood and others, the oppressions of the Magistrates in the mofussil are daily increasing with greater virulence. Very recently Mr. J. D. Gale, Assistant Magistrate of Berhampore, committed a most unjust act of oppression on one Mihir Chánd Raya, a rich zemindar of the same place. But we are sure that the Lieutenant-Governor will not consider it worth while to inflict any punishment on him. It is a matter of deep regret that so many Magistrates, who have exercised undue authority on helpless natives, have escaped safely. We therefore ask the Government of India to look to this; otherwise such oppressions and injustice will never be brought to an end.

GRAMBARTÁ
PRAKASHIKÁ,
September 23rd, 1876.

4. In its opening editorial, headed "The results of the British administration of India," the *Grámbártá Prakashiká*, of the 23rd September, writes:—Under the present British rule, the distinction of castes, which had so long prevailed among the various tribes and races of India, is gradually losing its influence; and this is owing, doubtless, to the manifold institutions of courts, schools, railways, and so forth. At present, the Hindoos and the Musulmans, the Brahmins and the Sudras, stand on the same footing. Their condition is the same; and this similarity might lead them to form an union among themselves. But another result of the

English rule is also perceived, namely, that India is gradually sinking into poverty. Everybody, whether he be a prince or a zemindar, a peasant or a tradesman, a Hindoo or a Musulman, at present feels the want of money. So that in this also there is no difference between the high and the low.

5. Adverting to the visit of the Prince of Wales to India and its effects, the same paper makes the following observations:—The Prince, through his sharp and penetrating intellect, perceived how miserable is the internal state of the country, notwithstanding the various obstacles which stood in the way of his observing many things. He proclaimed throughout England the misery to which the inhabitants have been subjected by the oppressions of the English. This has unquestionably led the Marquis of Salisbury to publish some orders for the better administration of India; and we hope that Lord Lytton will not fail to give the desired effect to them. One good result is already produced; and this is in connection with Mr. Fuller's case.

GRAMBARTA
PRAKASHIKA,
September 23rd, 1876.

6. The same paper, commenting on a contribution of one of its correspondents, who has written of the oppression of one Nafar Chandra Pál, a rich zemindar of Natudaha, in the sub-division of Chooadanga, and of one Shyám Sundara Ráya, a member of the punchayet of Tainpur, in the same sub-division, says that the new system of punchayets has become a great source of evil to the country; and the oppression of the zemindars is nothing new. It is this system of oppression which has now induced the enhancement of their glory. A zemindar, who is able to commit the severest oppression, is considered a very powerful man. He is always guided by the principle, that the more rigorously a tenant be held under subjection, the greater good will be the result. There are many who hold such views. The oppression of Babu Nafar Chandra Pál has been brought to the notice of the rulers several times before. The editor says that the Magistrate of Nuddea should not remain forgetful of the Babu and of his most oppressive and unjust acts.

GRAMBARTA
PRAKASHIKA,

7. Adverting to the Minute of the Lieutenant-Governor on the Mahesh car, the *Sambád Púrnachandrodaya*, of the 2nd October, remarks that it is deserving of all praise. But a light fencing alongside the car will not, we think, be sufficient. The second suggestion is by far the better, and should be always carried out.

SAMBAD PURNĀ-
CHANDRODAYA,
October 2nd, 1876.

8. The editor of the *Urdu Guide* says, that since last week, he has been directing the attention of the Musulmans of Bengal and Hindustan towards Turkey; but regrets to observe that no attention has as yet been paid to his remarks; whereas the Mahomedans of Bombay and Madras have done their work; for which may God reward them. However, as there is time yet, the editor does not despair of the work being carried out, and relies on the truth of the Persian proverb that "what is done at leisure comes to be right;" and calls on all pious Musulmans, who are willing to aid the cause of Islam, to send their names and address, as also the amount each intends to subscribe, to the *Urdu Guide* Office; so that it may be known how many are willing to assist in so pious a cause: after which a meeting of the nobility and gentry of Calcutta may be called to arrange about the mode of carrying out the assistance given. The editor requests all desirous of helping, to send their names to him by the following Friday.

URDU GUIDE,
September 30th, 1876.

9. The editor of the *Jam-Jahán-numá* says, that all Mahomedans near Turkey are ready and willing to assist that country; it is also necessary for those of Hindustan to assist, and they are not backward in subscribing money

JAM JEHAN-NUMA,
September 29th, 1876.

for the purpose. There are, however, it seems from a newspaper, some who refuse to aid, on the ground that they have no connection with the Sultan. What they allege is correct, though at the same time it must be borne in mind that, to assist in the cause of Islam secures one's happiness here and hereafter. The Servians, notwithstanding the gracious proclamation of the Sultan, are still in rebellion; and though he does not wish to take the lives of God's creatures, yet his army is obliged to chastise them. He is full of mercy yet, and it only remains for the guilty parties to come forward, make their submission, and taste of that mercy. May God prosper the Sultan and his subjects, and destroy all his foes, and those who have rebelled against his authority.

BENGALI TRANSLATOR'S OFFICE,
The 7th October 1876.

JOHN ROBINSON,
Government Bengali Translator.

*List of Native Newspapers Received and Examined for the Week ending the
7th October 1876.*

No.	Name.	Place of publication.	Monthly, weekly, or otherwise.	Date.
1	"Education Gazette" ...	Hooghly ...	Weekly ...	22nd September 1876.
2	"Grāmbārtā Prakāśhikā" ...	Comercolly ...	Ditto ...	23rd ditto.
3	"Hindu Hitoishini" ...	Dacca ...	Ditto ...	23rd ditto.
4	"Sambād Pūrnachandrodaya	Calcutta ...	Daily ...	2nd October 1876.
5	"Jām-Jahān-numā" (in Persian) ...	Ditto ...	Weekly ...	29th September 1876.
6	"Urdu Guide" (in Urdu) ...	Ditto ...	Ditto ...	30th September 1876.

Bengal Secretariat Press.